

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



A

Application No. 16553 of the George Washington University, pursuant to 11 DCMR § 3104.2, for a special exception for the review and approval of the University Foggy Bottom Campus Plan – Years 2000-2010 under Sections 210 and 507. The boundaries are as follows: Pennsylvania Avenue on the north; 19th, H, 20th, and G Streets on the east; F Street on the south; and 23rd, G and 24th Streets on the west, and also includes a portion of Square 122 extending south of F Street along 19th Street, N.W. Within the campus plan boundaries, the property owned by the University is devoted to a variety of University uses, including but not limited to classroom, dormitory, library, research, office, support, assembly, athletic, and hospital purposes. These uses would be continued under the Campus Plan in a variety of existing and new buildings in the R-5-D, R-5-E, C-3-C, and SP-2 Districts: Square 39, Lot 803, Square 40, Lot 36, Square 41, Lot 40, Square 42, Lots 54 and 55, Square 54, Lot 30, Square 55, Lots 28, 854, and 855, Square 56, Lots 30 and 31, Square 57, Lots 55 and 56, Square 75, Lots 23, 33, 34, 41, 42, 46, 47, 858, 961, 863, and 864, Square 77, Lots 5, 59, 60, 845, 846, and 864, Square 79, Lots 63, 64, 65, 808, 853, 854, 861, and 862, Square 80, Lots 2, 26, 27, 28, 29, 42, 45, 46, 47, 50, 51, 52, 54, 55, 800, 811, 820, 821, 823, 824, 825, and 828, Square 101, Lots 58, 60, 62, and 879, Square 102, Lot 46, Square 103, Lots 1, 13, 27, 28, 33, 35, 40, 812, 813, 814, 816, 817, 818, 819, and 820, Square 119, Lot 26, Square 121, Lot 819, Square 122, Lots 824 and 825; these Squares are within the campus plan boundaries; Square 39, Lot 77, Square 40, Lot 79, Square 41, Lot 80, Square 42, Lot 101, Square 54, Lot 102, Square 55, Lot 103, Square 56, Lot 119, Square 57, Lot 121 (part only), Square 75, Lot 122 (part only).

HEARING DATES: April 26, 2000, September 13, and September 26, 2000

DECISION DATES: December 12, 2000 and February 13, 2001

ORDER DATE: March 29, 2001

ORDER ESTABLISHING A SCHEDULE ON REMAND

By Order issued March 29, 2001, the Board approved the University Campus Plan until June 30, 2009, subject to conditions intended to mitigate past and minimize future adverse impacts arising from the location of a university use in a residentially zoned district. On April 30, 2001, George Washington University (hereinafter “University” or “Applicant”) filed a petition for review of

encouraged to submit a joint report, but each party may submit its own report if necessary. The Board will conduct a fact-finding hearing in this matter on September 17 and 21, 2001. The scope of the fact-finding hearing will be set forth in a forthcoming order.

In summary, the Board adopts the following schedule for further proceedings with respect to this Application:

August 3, 2001	All parties, including the Office of Planning, are directed to initiate settlement discussions in an effort to reach agreement on all matters in dispute, particularly those pertaining to student housing and enrollment.
August 17, 2001	The parties are directed to convene their first settlement meeting not later than August 17, 2001.
September 11, 2001	The parties are directed to report to the Board, in writing, on areas of agreement reached in their settlement meetings and on issues still in dispute.
September 17 and 21, 2001	The Board will conduct a fact-finding hearing on the outstanding issues with respect to the University Campus Plan.

Accordingly, it is **ORDERED** that the Board adopt the foregoing schedule for further proceedings with respect to this Application.

VOTE: **4-0-1** (Sheila Cross Reid, Carol J. Mitten, David W. Levy and Geoffrey H. Griffis to **APPROVE** the issuance of the order, Anne Mohnhern Renshaw not present , not voting).¹

¹ The Board's vote on this matter was made at its executive meeting on August 3, 2001.

the Order in the District of Columbia Court of Appeals. *See George Washington University v. District of Columbia Board of Zoning Adjustment*, No. 01-AA-571. On July 18, 2001, the Board requested an immediate remand of the case for further proceedings, and the request was granted by the Court of Appeals on July 31, 2001. By this Order on Remand, the Board adopts a procedural schedule for further proceedings with respect to the Application.

The parties in this proceeding are the Applicant, Advisory Neighborhood Commission (ANC) 2A, the Foggy Bottom Association, the Monroe House Condominium Association, Stephen Mandelbaum, James McLeod, Dorothy Miller, Barbara Spillinger, and Maria Tyler. The Office of Planning also participated in the proceeding. For ease of reference, further use of the term “parties” includes the Office of Planning.

The Board strongly encourages the parties to reach a settlement in agreement of the outstanding areas of dispute with respect to the University Campus Plan in advance of the Board’s forthcoming remand proceeding. To that end, the Board directs all parties, including the Office of Planning, to meet and confer for purposes of discussing possible settlement of all such issues, particularly with respect to student housing and enrollment. The parties are directed to conduct their first meeting not later than August 17, 2001, and are strongly encouraged to use a neutral mediator to facilitate an agreement. The Office of Zoning is prepared to provide the names of possible mediators.

The parties are also directed to report to the Board, in writing, not later than September 11, 2001, indicating the areas of agreement reached and the issues that remain in dispute. The parties are

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: AUG - 3 2001

PURSUANT TO 11 DCMR §3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9, THIS ORDER WILL BECOME EFFECTIVE 10 DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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BZA APPLICATION NO. 16553

As Director of the Office of Zoning, I hereby certify and attest that on **AUG - 3 2001**, a copy of the foregoing Decision and Order in BZA Application 16553 was mailed first class, postage prepaid, to each party and public agency who appeared and participated in the public hearing concerning this matter, and who is listed below:

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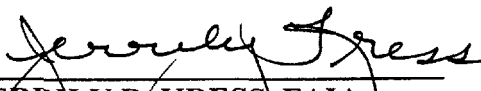
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Attested by:


JERRILY R. KRESS, FAIA
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